

REMARKS/ARGUMENTS

In response to the Examiner's Office Action of December 05, 2008 issued in relation to the present Patent Application, the Applicant submits the below Remarks.

Claims 1-4, 8, 11, 14, 17, 20, 27-29, 32-35, 41, and 47 remain pending in the application. Claims 1, 27 and 47 are independent claims.

Regarding 35 USC 103(a) Rejections

Claims 1-4, 8, 14, 17, 27, 28, 32-35, and 47 are rejected as being unpatentable over Lubow et al (US Pub. No. 2006/0118631) in view of Klein (US Pub. No. 2001/0037248).

Claims 11 and 29 are rejected as being unpatentable over Lubow et al in view of Klein, and in further view of Saito (US Pub. No. 2003/0201325).

Claims 20 and 41 are rejected as being unpatentable over Lubow et al in view of Klein, and in further view of Endoh (US 5,818,031).

The rejection of independent claims 1, 27 and 47 at least are defective for failing to address limitations found in those claims. Specifically, the rejection fails to address the limitation of "*the data of each coded data portion being indicative of the product identity data and of the respective positions of the coded data portions on the interface surface.*"

The Office Action is also non-responsive to the Applicant's submissions that paragraph [0017] of Lubow which teaches that "the first, and second information are analysed to see if they are consistent", "the first bar code indicia may designate a product identifier such as a specific drug, while the second bar code indicia identifies a commodity number...", and "the information is analysed to determine if the commodity number is known to be associated with the particular drug..." still fails to teach that the data of each coded data portion is indicative of the product identity data as defined in the independent claims. The fact that one number is "associated" or "consistent" with another number, does not teach that both bar code indicia uniquely identifies the product item. In the example used in Lubow, neither the product identifier which identifies a specific drug nor the commodity number (uniquely) identifies the product item. Rather, as is confirmed in paragraph [0087], the commodity number identifies one of multiple different possible formulations of the specific drug (e.g., formulation A1). Thus, the commodity number can

rather be seen as a property of the drug, or a type descriptor, rather than an identifier of the product item.

The claims require for the product item to be uniquely identified from each coded data portion. Even though Klein teaches using a unique identifier, the combination of Labow and Klein fails to teach encoding that unique identifier in each coded data portion, and certainly not encoding that identifier together with the position of the portion on the surface.

It is therefore submitted that all the independent claims are patentable over Labow in view of Klein.

Claims 2-4, 8, 11, 14, 17, 20, 28, 29, 32-35, and 41 are dependent on one of claims 1 or 27, and are allowable for at least that reason.

CONCLUSION

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

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